

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING: April 7-8, 2016**

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Hamed Tewfik, M.D., Chairperson; Allison Schoenfelder, M.D., Vice Chairperson; Ronald Cheney, D.O., Secretary; Julie Carmody, M.D.; Diane Clark; Diane Cortese; Mary Jo Romanco; Kyle Ulveling, M.D.; Charles Wadle, D.O.

THURSDAY, APRIL 7, 2016

7:30 a.m. **EXECUTIVE COMMITTEE** – Medical Conference Room B
Chair Tewfik, Cheney, Clark, Schoenfelder

8:00 a.m. **SCREENING COMMITTEE** – Board Room
Chair Carmody, Cortese, Romanco, Ulveling, Wadle

9:00 a.m. **MONITORING COMMITTEE** – Board Room
Chair Schoenfelder, Cheney, Ulveling, Wadle

9:00 a.m. **LICENSURE COMMITTEE** - Medical Conference Room B
Chair Clark, Carmody, Cortese, Romanco, Tewfik

OPEN SESSION - Board Room
Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder,
Ulveling, Wadle

CLOSED SESSION¹ - Board Room
Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder,
Ulveling, Wadle

A. Iowa Physician Health Committee

1. Notices of non-compliance

B. Committee Reports

1. Screening
2. Monitoring
3. Licensure

C. Review of closed minutes

1. February 4-5, 2016, Board Meeting
2. March 3, 2016, Teleconference

LUNCH BREAK

CLOSED SESSION¹ - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

- A. Unlicensed Practice of Medicine Cases
- B. Vote on Closed Session Cases

FRIDAY, APRIL 8, 2016

7:00 a.m.

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

CLOSED SESSION¹ - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

8:00 a.m.

OPEN SESSION/PUBLIC MEETING^{3,5} - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

- A. Roll-call to establish quorum; acknowledge absent Board members
- B. Opportunity for public comments⁵
(Public can make comments now or when specific agenda items are addressed.)
- C. Board Minutes for Consideration of Approval
 1. February 4-5, 2016, Board Meeting
 2. March 3, 2016, Teleconference
- D. Chair's Report
- E. Executive Director's Report

F. Administrative Rules - medical

- 1. For Adoption - Administrative Medicine License, ARC2359C.** This is an amendment to 653 IAC Chapters 9 and 11, to implement 2015 Iowa Acts, Senate File 276, which creates a license for the administrative, non-clinical practice of medicine. A public hearing was held on January 26 and ARC2359C the amendment was considered by the Administrative Rules Review Committee on February 5. The amendment is scheduled to become effective May 22, 2016.
- 2. For adoption - General updates in medical licensure rules, ARC2360C.** This amendment to 653 IAC Chapter 9 is a result of the Board's continuing review of its administrative rules. A public hearing was held January 26 and ARC2360C was considered by the Administrative Rules Review Committee on February 5. The amendment is scheduled to become effective May 22, 2016.
- 3. For consideration - Notice of Intended Action.** This amendment to 653 IAC Chapter 13.2(8), *Pain management resources*. The amendment would add the CDC Guideline for prescribing opioids for chronic pain.

G. Acupuncture

- 1. For Information Only - Notice of Intended Action - General updates in acupuncture rules.** This is an amendment to 653 IAC Chapter 17, "Licensure of Acupuncturists," to update the rule throughout. On January 14, the Board voted to notice this rulemaking. The Notice of Intended Action is under review by the Governor's office.
- 2. Judicial review of Board of Physical & Occupational Therapy's ruling on a petition for a declaratory order on dry needling.**

H. Report on joint rulemaking by the Boards of Medicine and Physician Assistants to establish minimum standards for appropriate supervision of physician assistants.

- 1. ARC2372C & ARC2417C** - This rulemaking was noticed by the Board of Medicine on December 10, 2015, and by the Board of Physician Assistants on January 20, 2016. Each board has held public hearings on the rule, and it has been reviewed by the Administrative Rules Review Committee.
- 2.** Subcommittees of both boards are scheduled to meet at 1 p.m. April 8, 2016, Lucas State Office Building, Room 526, to continue work on the rule.

I. Update on comprehensive and ongoing review of all rules, pursuant to Iowa Code 17A.7(2)

J. Oral presentation on petition to adopt administrative rules relating to sexual orientation change practices. (Presentation scheduled for 10 a.m. presentation by petitioner Timothy Foley)

K. 2016 legislative update

L. Interstate Medical Licensure Compact

M. Judicial Review/Legal Update

1. **Butt v. BOM, No. 15-1201** – District Court upholds Board’s decision to suspend physician’s license. Appealed to Supreme Court. Briefing completed. Case will be decided without oral argument.
2. **Rabi v. BOM (challenging contested case decision)** – Brief has been filed on Board’s behalf asking the court to affirm the Board’s decision. Awaiting decision. Case is continued pending resolution of request for reinstatement at board level. Rabi has asked for a continuance pending consideration of matters at agency level. Status conference due to Court on April 15th.
3. **Rabi v. BOM (challenge to decision reinstating license)** – Newly filed appeal. A motion to dismiss was filed on behalf of Board on 1/28. Rabi asked for a continuance pending consideration at agency level.
4. **Risk v. BOM – (challenging Board’s denial of his request for rehearing)** Answer filed. Risk filed his brief on 11/24. Board’s brief was due 12/9. District Court affirmed the Board’s decision and instructed Risk to go to the Board through normal process to ask that restriction is lifted. Risk filed an appeal with Supreme Court. Awaiting briefing schedule. Briefing in process.
5. **Fleming v. BOM, No. 14-0975** – Appendix filed. Final briefs filed. Awaiting decision. The court accepted case without oral argument. Awaiting decision.
6. **Kristi Ann Cronin v. BOM, No. 02641 LAC1008871.** District Court (Marshall Co.) dismissed the civil petition.

N. FTC v. North Carolina dental board (antitrust case)

O. Board member education

1. Iowa Supreme Court opinion, **No. 14-1649**, regarding open meetings, serial submajority meetings, and delegating matters of judgment and discretion.

P. Federation of State Medical Boards

1. 104th annual meeting is April 28-30, San Diego, CA
2. Resolutions & reports
 - **16-1** - Task Force to Study the Need for State Board Regulation of Physician Compounding
 - **16-2** - Advocacy Efforts in Response to Antitrust Concerns of State Medical Boards
 - **16-3** - Physicians’ Use of Marijuana
 - Nominating Committee Report

Q. Iowa Physician Health Committee/Program

1. Program update (Amy Van Maanen)

R. Correspondence, reports & articles

1. *Seeking doctor information online: A survey and ranking of state medical and osteopathic board websites in 2015*, Consumer Reports, March 29, 2016.
2. Iowa Allergy Society (Brad McClimon, M.D.)

S. Committee Reports

1. Licensure
 - Waiver requests
2. Screening
3. Monitoring

T. 2016-17 Board organization

1. Election of officers -- Chair, Vice Chair, Secretary
2. 2017 meeting schedule
3. Recognition of Board members completing their terms

CLOSED SESSION¹ - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

LUNCH BREAK

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OPEN SESSION - Board Room

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A. Vote on Closed Session Cases

ADJOURN

If there is no further business to conduct, the chairperson will declare the meeting adjourned.

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.

(3) Public agenda materials are available via e-mail. Contact: ibm@iowa.gov

(4) The Iowa Board of Medicine may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

The next scheduled Board meetings:

- **Thursday, May 12, 2016 (teleconference)**
- **Thursday and Friday, June 2-3, 2016 (in-person meeting at the office)**

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.